

REMARKS

I. General Remarks:

Claims 1-93 are all the claims currently pending in the current application.

The following claims have been withdrawn from consideration: 3-5, 10-12, 16-20, 23, 25, 26, 34, 36, 41-43, 47-51, 54, 56, 57, 65, 67, 72-74, 78-82, 85, 87 and 88.

Claims 1, 32 and 63 are independent claims.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and receipt of the priority document. In addition, Applicant thanks the Examiner for indicating that the references listed in the Information Disclosure Statements filed on January 7, 2004, and July 16, 2004, have been considered. Further, Applicant thanks the Examiner for indicating that the drawings filed on April 3, 2001, have been accepted by the U.S. Patent and Trademark Office.

Claims 1, 31, 32, 62, 63 and 93 stand rejected under 35 U.S.C. § 102(a) as allegedly being allegedly anticipated by Dionysian (U.S. Patent No. 6,002,782). In addition, the following claims stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Roy (EP 1139269 A2): Claims 1, 2, 4, 6, 9, 13-15, 21-22, 24, 27-29, 31-33, 35, 37-40, 44-46, 52-53, 55, 58-60, 62-64, 66, 68-71, 75-77, 83-84, 86, 89-91 and 93. As a final matter, Claims 30, 61 and 92 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Roy.

II. § 102(e) and § 103(a) Rejections:

Applicant respectfully traverses the rejection of the claims under 35 U.S.C. § 102(e) and § 103(a) based on the Roy Patent (EP 1139269 A2) as follows. Applicant respectfully submits

that Roy is not prior art under either § 102(e) or § 103(a). In order for a reference to be prior art under 35 U.S.C. § 102(e), the reference must be either a U.S. patent, a U.S. application publication or a WIPO publication of an international application under PCT Article 21(2) (see MPEP § 706.02(f)(1)). The Roy reference is a European patent and does not fall into any of the listed categories under MPEP 706.02(f)(1). Accordingly, Roy is not a § 102(e) prior art reference. In fact, given Roy's publication date of April 10, 2001 (which is 7 days after Applicant's filing date), Roy is not prior art under any paragraph of § 102. For the same reason, it can not be used as a reference under § 103(a). Accordingly, Applicant respectfully submits that the § 102(e) and § 103(a) rejections are improper.

III. §102(a) Rejection of Claims 1, 31, 32, 62, 63 and 93:

Applicant has amended Claims 2 and 21 to include the limitations of Claim 1. In addition, Applicant has amended Claims 33 and 52 to include the limitations of Claim 32. Further, the Applicant has amended Claim 64 and 83 to include the limitations of Claim 63. Therefore, Claims 2, 21, 33, 52, 64 and 83 are now in independent form. Claims 1, 31, 32, 62 and 63 have been cancelled.

Additionally, Applicant has amended Claim 30 to change its dependency to Claim 2. Furthermore, Applicant has amended Claims 58, 59 and 61 to change their dependency to Claim 33. Applicant has also amended Claims 92 and 93 to change their dependency to Claim 64. As a final matter, Applicant has added new Claims 94-99.

Claim 94 is Claim 30 rewritten to depend from Claim 21. Claims 95-97 are Claims 58, 59 and 61, respectively, rewritten to depend from Claim 52. Claims 98-99 are Claims 92-93, respectively, rewritten to depend from Claim 83.

Given the above-recited amendments, Applicant respectfully submits that, with the exception of cancelled Claims 1, 31, 32, 62 and 63, all remaining pending Claims, including new Claims 94-99, are in allowable form. Specifically, the Examiner's § 102(a) rejection is now moot and the following specific Claims should be allowed: Claims 2, 4, 6-9, 13-15, 21, 22, 24, 27-30, 33, 35, 37-40, 44-46, 52, 55, 58-61, 66, 68-71, 75-77, 83, 84, 86 and 89-99. Therefore, Applicant respectfully requests that the Examiner withdraw the § 102(a) rejection.

VI. Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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